

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Barbara E. Varner,
Plaintiff

v.

**Commonwealth of Pennsylvania,
Ninth Judicial District, Cumberland
County, and Cumberland County
and S. Gareth Graham, Individually,
and Joseph Osenkarski, Individually,
Defendants**

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No.: 1:CV 01-0725

JURY TRIAL DEMANDED

JUDGE YVETTE KANE

STATEMENT OF NON-CONCURRENCE

Plaintiff, Barbara Varner, does not concur in the Motion for Summary Judgment filed on behalf of Cumberland County. Defendant Ninth Judicial District takes no position on the Motion for Summary Judgment. Defendants Graham and Osenkarski do not concur absent the opportunity to first read the Briefs supporting the County's Motion for Summary Judgment.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

DATE: December 19, 2003

s/James K. Thomas, II

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that I sent a true and correct copy of the foregoing document to the following counsel of record, by placing a copy of same in the United States, first class mail, postage prepaid, addressed as follows:

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By: **s/James K. Thomas, II**

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Dated: December 19, 2003